

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 8970.94976)

In re U.S. Patent Application of	)	
Wang et al.	)	
	)	Examiner: Monica A. Huson
	)	
U.S. Patent No. 7,595,015	)	
	)	Group Art Unit: 1732
Issued: September 29, 2009	)	
	)	Confirmation No. 1613
	)	
Application No.: 09/863,928	)	
	)	
Filed: May 23, 2001	)	
	)	
	)	
For: COLD WATER SOLUBLE	)	
EXTRUDED STARCH PRODUCT	)	
	)	

Mail Stop PETITION  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT  
UNDER 37 C.F.R. § 1.705(d)

Sir:

Reconsideration is respectfully requested of the Patent Term Adjustment indicated on the face of the issued patent.

In the September 30, 2008 decision of the United States District Court for the District of Columbia in Civil Action No. 07-1494, in the case of *Wyeth et al. v. John W. Dudas*, 88 U.S.P.Q. 2d (DDC 2008) it was held that the PTO's practice of granting either the greater of the A period or the B period under 35 U.S.C. 154 was not in accordance with statute.

In this case, the application in question was filed on May 23, 2001 and an RCE was filed on October 15, 2004. The patent is entitled to an additional 144 days of term extension under *Wyeth v. Dudas*.

Authorization to charge Deposit Account No. 06-1135 for the fee under 37 C.F.R. 1.18(e). Because the necessity of filing is premised upon the USPTO's calculation of the Patent Term Adjustment in a matter not in accordance with statute, we respectfully request that this fee be refunded.

Respectfully submitted,

Date: November 30, 2009

By: 

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